

LATHAM & WATKINS LLP
Timothy P. Crudo (Bar No. 143835)
(timothy.crudo@lw.com)
505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
Telephone: 415.391.0600
Facsimile: 415.395.8095

Attorneys for Plaintiff
THOMAS S. WU

Additional Counsel On Signature Block

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS S. WU

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its capacity as receiver
of United Commercial Bank,

Defendant.

CASE NO. CV10-4085 JSW

Assigned to Hon. Jeffrey S. White

**STIPULATION AND ~~PROPOSED~~ ORDER
WITHDRAWING DEFENDANT FDIC-
RECEIVER'S MOTION TO DISMISS AND
CONTINUING CASE MANAGEMENT
CONFERENCE**

Date: December 17, 2010
Time: 9:00 a.m.
Location: Courtroom 11
Judge: Hon. Jeffrey S. White

STIPULATION

WHEREAS, Plaintiff filed the Complaint in this action on September 10, 2010;

WHEREAS, Defendant FDIC-Receiver has filed a motion to dismiss Plaintiff's Complaint (the "Motion to Dismiss"), scheduled to be heard on January 21, 2011;

WHEREAS, the parties have agreed that, in lieu of Plaintiff responding to the Motion to Dismiss, Defendant FDIC-Receiver will withdraw the Motion to Dismiss and Plaintiff will file an amended complaint (the "Amended Complaint");

WHEREAS, the initial Case Management Conference in this matter is currently set for December 17, 2010, and the Joint Case Management Statement and Rule 26(f) Report is due to be filed on December 10, 2010;

WHEREAS, the Court ordered that Plaintiff and Defendant serve upon one another initial disclosures by December 10, 2010;

WHEREAS, the parties have scheduled a mediation to take place on March 15-16, 2011 (the "Mediation"); and

WHEREAS, the parties believe that it would promote efficiency and the conservation of the Court's and the parties' resources to continue certain dates until after the Mediation;

THEREFORE, the parties, through their respective counsel of record, hereby agree and STIPULATE that:

1. Plaintiff shall file the Amended Complaint on or before January 10, 2011;
2. Defendant Motion to Dismiss shall be deemed withdrawn;
3. Defendant shall respond to the Amended Complaint within 30 days of the scheduled Mediation, and no later than April 15, 2011;
4. The Case Management Conference and all attendant matters – including the filing of the Joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial disclosures under Fed. R. Civ. P. 26(a) – shall be continued until after April 15, 2011 on a date to be set by the Court; and

5. The parties shall abstain from discovery until after meeting and conferring with respect to the contents of the Joint Case Management Conference Statement, but shall meet and confer in good faith regarding a potential informal exchange of relevant information prior to the Mediation in order to make the mediation process more productive.

Dated: December 10, 2010

LATHAM & WATKINS LLP

By /s/ Timothy P. Crudo
Timothy P. Crudo
Attorneys for Plaintiff Thomas S. Wu

Dated: December 10, 2010

NIXON PEABODY LLP

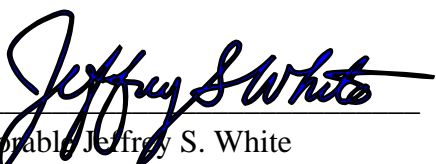
By /s/ Andrew R. Neilson
Andrew R. Neilson
Attorneys for Defendant Federal Deposit Insurance Corporation, as receiver of United Commercial Bank and in its corporate capacity

[PROPOSED] ORDER

The Case Management Conference currently scheduled for December 17, 2010, is hereby continued to May 13, 2011. The parties shall meet and confer and file a Joint Case Management Statement and exchange initial disclosures pursuant to Fed R. Civ. P. 26(a) on or before May 6, 2011.

IT IS SO ORDERED.

Dated: December 13, 2010


Honorable Jeffrey S. White